

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON A. TYE,

Defendant-Appellant.

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UNPUBLISHED  
September 9, 2003

No. 240008  
Wayne Circuit Court  
LC No. 01-006588

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction on two counts of felonious assault. MCL 750.82. We affirm.

On appeal, defendant asserts that he was denied his due process right to a fair trial when the court prevented him from presenting a witness who would impeach complainant's testimony about his activities after the crime.

The decision whether to admit evidence is within the discretion of the trial court and will not be disturbed on appeal absent a clear abuse of discretion. *People v Starr*, 457 Mich 490, 494; 577 NW2d 673 (1998). Evidence is relevant if it has any tendency to make the existence of a fact which is of consequence to the action more probable or less probable than it would be without the evidence. MRE 401; *People v Crawford*, 458 Mich 376, 388; 582 NW2d 785 (1998). Under this broad definition, evidence is admissible if it is helpful in throwing light on any material point. *People v Aldrich*, 246 Mich App 101, 114; 631 NW2d 67 (2001).

Parties may dispute the credibility of witnesses and, within limits, produce evidence assailing and supporting their credibility. *People v Mills*, 450 Mich 61, 72; 537 NW2d 909 (1995). Whether a witness is truthfully and accurately testifying is itself relevant because it affects the probability of the existence of a consequential fact. *Id.*

Defendant sought to present evidence to impeach complainant's testimony about events that took place after the crime. As the trial court found, the testimony would not shed light on

any material fact at issue in the trial. Actions taken after the crime were not relevant, and the trial court did not abuse its discretion in precluding defendant's witness from testifying.

Affirmed.

/s/ Jane E. Markey

/s/ Mark J. Cavanagh

/s/ Henry William Saad